REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed April 30, 2007 ("Office Action"). Independent claims 26, 37, and 48 are amended herein. Support for the amendments to claims 26, 37, and 48 can be found in the specification as originally filed, particularly page 11, paragraph 27. No new matter is introduced. Claims 1-25 had been cancelled previously. No claims are newly added. By this Amendment, claims 26-50 are pending. This Reply encompasses a bona fide attempt to forward prosecution and place the present application in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 26-34, 36-45 and 47-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,775,658 ("Zothner"). The rejections are hereby respectfully traversed.

Applicant respectfully submits that Zothner does not teach or suggest, either expressly or inherently, the limitations of claims 26-34, 36-45 and 47-50, including

"associating each of a plurality of content management rules with one or more rule conditions for determining an applicability of said each of said plurality of content management rules to said content;

dynamically updating the state of said one or more rule conditions;

depending upon the state of said one or more rule conditions, selectively applying one or more applicable content management rules associated therewith to provide said content to users to drive said users towards a first predefined goal; and

upon reaching said first predefined goal, automatically changing behavior of content management rules applied to said content in real time."

Zothner describes an approach for providing notification services using rule-based technology. In the cited portion of col. 2, line 60 to col. 3, line 15, Zothner describes a computer implemented system for providing notifications comprising a database that stores a business rule. The business rule corresponds to a business process at a life cycle state of an event. Zothner discloses a business rule manager that maps the business rule to a business trigger

point and sends one of the notifications in response to the business trigger point. The notification contains information that is based upon business rule actions. Applicant respectfully submits that one of ordinary skill in the art, at the time the invention was made, would have understood that sending the notification based on rules does not change the data contained in the notification. Zothner does not seem to teach applying business rules to the content of the notification or dynamically changing the behavior of the business rules to change the content of the notification. Therefore, Applicant respectfully submits that, in view of Zothner, those skilled in the art would not have reached the interpretation that "[s]ending notifications based on rules is managing content."

M.P.E.P. § 2131 states, " A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. a1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1987).

Applicant respectfully submits that Zothner does not show an identical invention in as complete detail as is contained in claims 26-34, 36-45 and 47-50. Unlike Zothner, embodiments of the invention as claimed in claims 26-34, 36-45 and 47-50 are directed to changing the behavior of content management rules in real time. *See* Specification, page 11, paragraph 27. Because rule behavior can change dynamically, embodiments of the present invention do not require batch analysis to be performed before rule behavior is updated. *Id.* In prior art systems, the content management rules do not dynamically change between batch analyses. In Zothner, *pre-defined* actions can be performed based on the rule execution. According to Zothner, the business rules are managed and modified by Network Change Control Organization (NCCO) 113, which may be humans or software agents. *See* Zothner, col. 8, lines 1-40. The business rules are setup so that if the rule condition is matched, a notification is generated. *See* Zothner, col. 17, lines 23-25. According to Zothner, col. 12, lines 37-50, the conditions are *matched against all objects in memory:*

> FIG. 5 shows a diagram of the mapping of business processes and object states to a business trigger point, in accordance with an embodiment of the present invention. At each life-cycle state 701 of an Event object, certain core business processes 703 will be executed by rules. According to one embodiment of the present invention, a rule has three main parts: (1) parameters, (2) conditions, and (3) actions. Rule conditions represent the filters to be used on the objects processed in memory. The rule actions define what "actions" or instructions the

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system should take in response the given condition. <u>The performance gains are made because the conditions are matched against all objects in memory. This is in contrast with traditional applications that have to query a data store requiring sequential tests on the objects.</u> (emphasis added).

Zothner describes that the pre-defined action of sending the notification can be controlled by the business rules. *See* Zothner, col. 12, lines 58-60. However, Zothner does not describe, either expressly or inherently, automatically changing the behavior of content management rules applied to manageable content in real time upon reaching a predefined goal. A notification, in its ordinary usage as would be understood by one of ordinary skill in the art, is not the same and does not anticipate a predefined business goal.

The broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. *In re Cortright,* 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Zothner clearly describes providing notification services based on business rules. Content management does not appear to be germane to Zothner's invention. In contrast, claims 26-34, 36-45 and 47-50 particularly recite limitations for robust real-time management of content in a network environment, including "upon reaching said first predefined goal, changing behavior of content management rules applied to said content in real time." Applicant believes that, consistent with the interpretation that those skilled in the art would reach in reading the claims in light of the specification, to thereby interpret limitations explicitly recited in the claims, Zothner does not anticipate claims 26-34, 36-45 and 47-50.

Based upon the above stated rationale, Applicant respectfully requests a withdrawal of the 35 USC § 102(b) rejections of independent claims 26, 37, and 48. Applicants further request, that since claims 27-36, 38-47, and 49-50 depend from independent claims 26, 37, and 48, respectfully, that the anticipation rejection also be withdrawn based at least upon the above-stated rationale.

Rejections under 35 U.S.C. § 103

Claims 35 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zothner in view of U.S. Patent No. 6,435,579 ("Hosken"). The rejections are hereby respectfully traversed.

The M.P.E.P. § 2144.03, states that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka* 490, F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970).

Claims 35 and 46 recite, among others, "automatically reprioritizing a computer image of said content upon reaching said first predefined goal." Applicant respectfully submits that the combination of Zothner and Hosken does not teach or suggest this limitation.

As submitted above, Zothner discloses an approach for providing notification services using rules-based technology. Zothner does not appear to be concerned with prioritizing/reprioritizing computer images. Hosken is cited for the teaching of displaying the recommendations to the user. The Examiner alleged that "[d]isplaying the recommendations to the user is reprioritizing a computer image (the display)." *See* Office Action, page 6, paragraph 5. Applicant respectfully disagrees. As one of ordinary skill in the art would have understood, displaying the recommendations to the user is different from reprioritizing a computer image of content displayed to the user. In the latter, it is the computer image itself that is being reprioritized. Furthermore, the combination of Zothner and Hosken does not teach or suggest the particular timing of when to reprioritize a computer image. In contrast, claims 35 and 46 recite, among others, "automatically reprioritizing a computer image of said content upon reaching said first predefined goal." Accordingly, withdrawal of the rejection under 35 U.S.C.§ 103(a) is respectfully requested.

Applicant further respectfully submits that Zothner and Hosken themselves do not seem to provide any apparent reason that would have prompted one of ordinary skill in the art to modify Zothner and Hosken so as to arrive at an invention as recited in claims 35 and 46. Applicant respectfully requests that, if the Examiner is relying on facts within the Examiner's personal knowledge, an affidavit be provided in support of these facts. MPEP 2144.03 states that when a rejection is based on facts within the personal knowledge of the examiner, the data

should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons (See 37 CFR 1.104(d)(2)).

Additionally, Applicant respectfully submits that a review of the prior art cited but not applied, either taken alone or in combination, does not anticipate or render obvious embodiments of the invention as claimed in claims 26-50. Applicant respectfully requests, that if the present rejection is maintained or a new basis for rejection is presented, that the Examiner explicitly state the rationale for the rejection and direct Applicant to the specific sections of the prior art relied upon for each and every limitation.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 26-48. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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